



Affidavit #4 of Ralph James Palamarek  
Sworn October 30 2008

Action No: 07 3415  
Victoria Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

IN THE MATTER OF THE *PATIENTS PROPERTY ACT*  
R.S.B.C. 1996, CHAPTER 349 AS AMENDED

-AND-

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

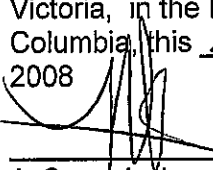
**AFFIDAVIT OF RALPH PALAMAREK**

I, RALPH JAMES PALAMAREK ("Ralph"), federal government employee, of 10324 Bowerbank Road, Sidney, British Columbia, MAKE OATH AND SAY THAT:

1. I am a son of Kathleen Palamarek ("Mom") and one of the Petitioners in Action No. 07 3415, Victoria Registry and one of the Respondents in Action No. 08 0327, Victoria Registry and as such have personal knowledge of the matters hereinafter deposed to except where the same are said to be on information and belief, in which case we verily believe the same to be true.
2. My Mom has resided at the Lodge at Broadmead (the "Lodge") in Victoria, B.C. since August 2007. On October 28, 2008, she was removed from the Lodge by my sister, Lois Sampson and Lois' husband, Gil.
3. I have since been provided with copies of correspondence to the Lodge from Mr. John Jordan, a lawyer acting for my Mom, which enclosed documents purporting to revoke my Mom's Representation Agreement in my favour and a new Representation Agreement naming my sister, Lois Sampson, in her place.
4. I have not been given written notice of the revocation.

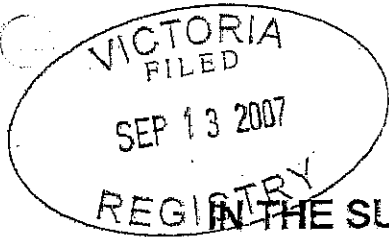
5. Mr. Jordan's firm filed an Appearance on behalf of Lois in this proceeding on September 13, 2007. Attached and marked Exhibit A to this affidavit is a copy of that Appearance.
6. Mr. Jordan also deposed that he was first contacted by Lois on behalf of Mom in the summer of 2007.
7. I have also been provided with a copy of Lois' letter to my lawyer, Fiona Hunter, attached and marked Exhibit B to this affidavit.
8. On October 29, 2008, I left a voice message for Lois at the number given in Exhibit B, hoping to arrange a meeting with Mom.
9. I subsequently emailed Lois about visits and about Mom's current medication, and attached and marked Exhibit C are copies of the email correspondence between Lois and me about these matters.
10. I am deeply concerned about my Mom's care since being removed from the Lodge by Lois. As Mom's Representative, I am aware of the medications that Mom takes, and have read Dr. Nicoll's affidavits #2 about the possible effects of her not having that medication. Lois' statements to me about her dislike of traditional medicine and medication, as deposed in my Affidavit #2 sworn on May 28, 2008, increases my concern that Mom's health is at risk.
11. I reiterate my earlier sworn statements about Mom's stated choice of the Lodge as her residence, made while she was competent. I do not believe that any statements made to Lois about wanting to leave the Lodge reflect Mom's true wishes, or are in her best interests.

SWORN BEFORE ME at the City of )  
Victoria, in the Province of British )  
Columbia, this 30 day of October )  
2008 )

  
\_\_\_\_\_  
A Commissioner for taking Affidavits within )  
the Province of British Columbia )

**FIONA HUNTER**  
*Barrister & Solicitor*  
3rd Floor - 612 View St.  
Victoria, BC V8W 1J5

  
RALPH JAMES PALAMAREK



Action No. 07 33415  
VICTORIA Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE PATIENTS PROPERTY ACT  
R.S.B.C. 1996 CHAPTER 349 and AMENDMENTS THERETO

-AND-

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

APPEARANCE

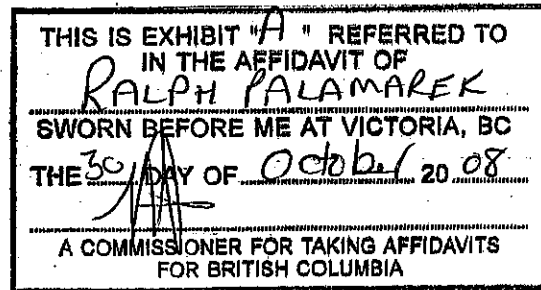
Enter an Appearance on behalf of

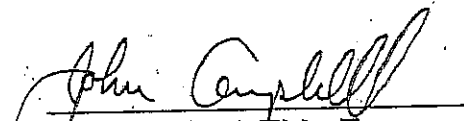
LORI JOAN SAMPSON

Address for delivery:

Straith & Company  
Barristers & Solicitors  
704 - 880 Douglas Street  
Victoria, B.C. V8W 2B7

Fax number for delivery:(250)386-1421



  
JOHN CAMPBELL, Esq.  
Solicitor for the Respondent  
Lori Joan Sampson

Sent by FAX to Horne Coupar 250-388-5974

Attention: Fiona Hunter

Horne Coupar  
Barristers & Solicitors  
3rd Floor, 612 View Street  
Victoria, BC V8W 1J5

Dear Ms. Hunter:

As you probably have been advised by my mother's attorney, Mr. John Jordan, my mother has instructed him to revoke her existing Representation Agreement and appoint me as her Representative.

I will also be informing the office of the Public Guardian and Trustee regarding my mother's new address, and to advise them that I am her new Representative.

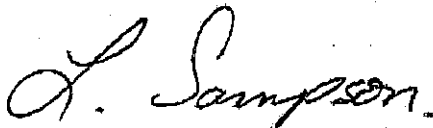
My mother also has advised Mr. Jordan and me that she does not want to live at the Lodge at Broadmead and she has asked my help to move out of the Lodge. Please advise your clients, Ralph, Robert and Ernest Palamarek that, accordingly as of later today she will be living in my home with my husband and me at #303 - 1015 Pandora Avenue, Victoria, BC V8V 3P6.

We have arranged for my mother to be cared for by another physician, and have also arranged the assistance of a pharmacist and other health care professionals to ensure that her medication regimen is continued without interruption, and that she receives good health care on an on-going basis.

We encourage my brothers to visit with my mother, to take her out if she wishes, and to telephone her. Our telephone number is 250-383-0981. They may contact her at any time after today.

I would welcome a discussion with you or your clients to discuss a visitation schedule. Please contact me by this email address: [lsampson@islandnet.com](mailto:lsampson@islandnet.com) to do so.

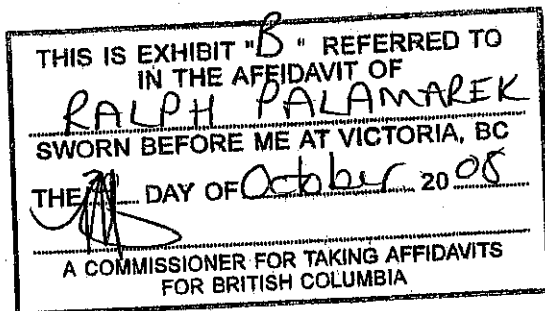
Sincerely,



Lois Sampson

303 - 1510 Pandora Avenue  
Victoria, BC V8V 3P6

Tel. 250-383-0981




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## sent-mail: Re: Mom (3 of 266)

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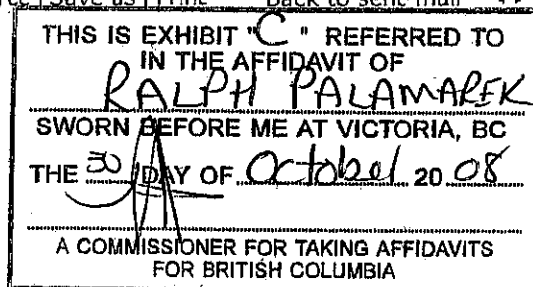
Date: Thu, 30 Oct 2008 08:09:23 -0700

From: rdpal@uniserve.com

To: Lois Sampson <lsampson@islandnet.com>

Bcc: Fiona Hunter <fmo@hc-law.com>

Subject: Re: Mom



Dear Lois,

Please fax Mom's medicine regime immediately to this fax number: 250-388-5974.

Ralph

> Ralph,

>

> I welcome you seeing Mom. Tomorrow (Thursday) is a busy day of

> appointments for Mom (as today has been), so I suggest you arrange to

> meet with her on Friday sometime between 10:00 am and 5:00 pm (and to

> meet wherever is a comfortable and convenient place for both of you).

> I can appreciate that you would like to meet with Mom in a private

> setting, and not always here in our apartment.

>

> Please note that Mom must be back here at home by the following times

> every day for her medication: 12:00 noon and 5:00 pm and 8:00 pm.

> Also, please contact us in advance to let us know when you plan to

> pick Mom up, and when you will bring her back, to ensure that we will

> be here at the times you wish to come visit with her.

>

> And, if you wish to speak with Mom, please just phone (383-0981) at

> any time (before 9 pm). Gil and I will give her privacy on the phone.

> If we're not here, please leave a message for her and she will call

> you when we get back.

>

> As we work with Mom to support her health and well-being, we will be

> engaging, as appropriate, the expertise of several clinicians and

> therapists. We will promptly report to you any changes in Mom's health

> status. Mom's medication regimen has not changed from what she was

> getting at the Lodge. I can fax her current drug regimen to you

> tomorrow if you wish, just let me know your fax number.

>

> After this initial very busy time for Mom as she visits with various

> health professionals and settles in to her new home, I welcome you,

> Bobby or Ernie taking Mom on outings as much as Mom wishes. I think it

> would be very helpful to you, Bobby and Ernie, as well as me, and

> especially Mom, if we all agreed to a visitation schedule. Please

> email me your ideas for a visitation schedule.

>

> Thanks, Lois

>

>

>

>

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>> whom it is addressed and may contain information that is privileged,

>> confidential or exempt from disclosure under applicable law. Any

> > distribution, copying or disclosure of its contents other than by  
> > the addressee is prohibited. If you receive this message in error,  
> > please notify us by e-mail and delete this message, attachment(s)  
> > and any reply copy.  
> >  
> > Lois Sampson  
> > lsampson@islandnet.com  
> >  
> On Oct 29, 2008, at 2:31 PM, rdpal@uniserve.com wrote:  
> >  
> > Dear Lois  
> >  
> > I'm just following up from my phone call message today at 1:30pm, in  
> > reference  
> > to your letter, we would like to arrange a time to see Mom, either  
> > later today  
> > or tomorrow, on neutral ground by ourselves.  
> >  
> > We also urgently need to know the name of the Doctor you have  
> > arranged for Mom  
> > to see and list of medications that he/she is prescribing for her.  
> >  
> > Please respond back to me today with this information.  
> >  
> > Ralph  
> >  
> >  
> >  
> >  
> >

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**INBOX: Re: Mom (2 of 388)**

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Back to INBOX

Date: Thu, 30 Oct 2008 09:02:06 -0700

From: Lois Sampson &lt;lsampson@islandnet.com&gt;

To: rdpal@uniserve.com

Cc: gsampson@telus.net

Subject: Re: Mom

*This message was written in a character set other than your own. If it is not displayed correctly, click here to open it in a new window.*

Ralph,

I noticed after I sent you my email response last night that you said you "urgently" need to know the name of Mom's new doctor. You didn't say why you needed to know that urgently. If you have any information about Mom's health or health care that is, or may be, important, please tell me.

I understand and appreciate that you are concerned about Mom's health, as we all are. As I said, I will be happy to promptly provide you with a report of any changes in Mom's health status, including the names of her new health care team members, as soon as they have completed their initial assessments.

I also noticed that you said "we urgently need to know" the name of Mom's new doctor, but you didn't explain to whom the word "we" referred. You are probably aware that Mom's personal health information is not to be shared with anyone without her consent. Please let me know if you wish to divulge any of her personal health information to anyone else, and I will discuss it with Mom, and then inform you if Mom consents to disclosure of the specific health information. You are welcome to provide to Mom and I, in writing, full details of your reasons for wanting to disclose her personal health information.

Ralph, please understand that I am not doing this to obstruct or to be officious. As we both know, Mom has short-term memory loss which does not allow her to have full recall. Therefore, it is important that her personal health information, and any other information about her health condition that becomes apparent to anyone at any time, is made known to me as soon as possible so that I can share it with those who need to know, so as not to jeopardize Mom's health and well-being. For the same reason (her diminished short term memory), it's important for me be aware at all times of what consent she is being asked to give, and of each consent she gives to disclose specific information, so that I can help avoid inadvertent or unintended disclosure of her personal health information.

I very much want to work with you in a cooperative way for Mom's sake.

Thanks, Lois

&gt;

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 > whom it is addressed and may contain information that is privileged,  
 > confidential or exempt from disclosure under applicable law. Any  
 > distribution, copying or disclosure of its contents other than by  
 > the addressee is prohibited. If you receive this message in error,  
 > please notify us by e-mail and delete this message, attachment(s)  
 > and any reply copy.


>  
 > Lois Sampson  
 > lsampson@islandnet.com


On Oct 29, 2008, at 2:31 PM, rdpal@uniserve.com wrote:

> Dear Lois  
 >  
 > I'm just following up from my phone call message today at 1:30pm, in  
 > reference  
 > to your letter, we would like to arrange a time to see Mom, either  
 > later today  
 > or tomorrow, on neutral ground by ourselves.  
 >  
 > We also urgently need to know the name of the Doctor you have  
 > arranged for Mom  
 > to see and list of medications that he/she is prescribing for her.  
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 > Please respond back to me today with this information.  
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## sent-mail: Re: Mom (1 of 266)

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Date: Thu, 30 Oct 2008 09:40:57 -0700

From: rdpal@uniserve.com

To: Lois Sampson <lsampson@islandnet.com>

Bcc: Fiona Hunter <fmo@hc-law.com>

Subject: Re: Mom

Dear Lois,

In regards to having the information on Mom's medications and the name of her new Doctor(s) is based on Dr. Nicholl's advice about Mom's medications. I wish to make sure that the correct ones are still being taken by Mom. This information will be shared with Dr. Nicholl and my Lawyer.

Ralph

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